



Practitioner's Docket No. DCC-10003/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REISSUE APPLICATION SUPPLEMENTAL DECLARATION
(BY INVENTOR(S) OR ASSIGNEE)**

NOTE: For any error corrected, which is not covered by the declaration previously submitted in the reissue application, a supplemental declaration must be submitted, before allowance, stating that every such error arose without any deceptive intention on the part of the applicant.

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is described and claimed in letters patent number 5,785,021, granted on 7/28/98, and in the subject matter in the amendment

- ☒ submitted herewith,
☐ filed on _____,

and for which invention I solicit a reissue patent.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant) Title

of _____
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____,
that the entire title to letters patent number _____
for _____ granted on _____,
to _____
Inventor(s)
is vested in _____
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (*if only one name is listed*) or an original, first and part inventor (*if plural names are listed*) of the subject matter that is described and claimed in the aforesaid letters patent number _____, granted on _____, and in the subject matter in the amendment

- ☐ submitted herewith,
☐ filed on _____,

and for which invention I solicit a reissue patent.

(Reissue Application Supplemental Declaration [17-6.4]—page 1 of 5)

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT (37 C.F.R. § 1.175)**

I verily believe the original patent to be:

- ☒ partly
☐ wholly

inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

- ☐ a defective specification
☐ a defective drawing
☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1). Having once stated an error upon which the reissue is based, unless all errors previously stated in the declaration are no longer being corrected, a subsequent declaration need not specifically identify any other error(s) being corrected. 37 C.F.R. § 1.175(c).

That the error(s) listed above, which is/are being corrected, up to the time of the filing of this reissue supplemental declaration, arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2)).

- ☐ Corroborating statements of others accompany this declaration.

ALL ERRORS BEING CORRECTED IN THE REISSUE APPLICATION UP TO THE TIME OF THE FILING OF THIS DECLARATION AROSE WITHOUT DECEIVE INTENT ON THE PART OF THE APPLICANT.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OR INVALIDITY OF ORIGINAL PATENT
(continued)**

NOTE: *This statement should:*

- (1) include the reasons why the applicant believes the original patent to be wholly or partly inoperative.*
- (2) particularly specify the defects, when it is claimed that the original patent is inoperative or invalid by reason of a defective specification or drawing;*
 - (a) distinctly specify the excess or insufficiency in the claims when it is claimed that the original patent is inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent; and*
 - (b) particularly specify the errors relied upon, and how they arose or occurred.*

(use supplemental page(s), if necessary)

(SEE ATTACHED SUPPLEMENTAL PAGE)

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Reissue Application Supplemental Declaration [17-6.4]—page 3 of 5)

SIGNATURES

☒

BY THE INVENTOR(s)

Full name of sole or first inventor Sergi Yudanov

Inventor's Signature *[Signature]*

Date: 02/9/2003 Country of Citizenship: Australia

Residence: Skrattmasgangen 7, 42669 V. Frolunda SWEDEN

Post Office Address: _____

Full name of second joint inventor, if any William Richard Mitchell

Executed by: Cherriden Clair Mitchell

Signature *[Signature]*

Cherriden Clair Mitchell, LEGAL REPRESENTATIVE

Date: 29/8/03 Country of Citizenship: Australia

Residence: 10 Macintyre Crescent, Sylvania Waters, NWS 2224 AUSTRALIA

Post Office Address: _____

☐

BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE

Note: Even though inventor(s) do not sign, complete above information for inventor(s)

(complete the following, if applicable)

(Typed name of Assignee)

(Address of Assignee)

Title of person authorized to sign on behalf of assignee

☐ Assignment record in P.T.O. on _____
Reel _____ Frame: _____

☐ A separate

☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"

or

☐ FORM PTO 1595

Is submitted herewith along with the assignment.

**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
(BY INVENTOR(S) OR ASSIGNEE)**

ADDED PAGE

As the below named inventor, I hereby declare: my residence, post office address and citizenship are as stated below next to my name; and I believe I am the original, first and sole inventor of the invention which is described and claimed in U.S. Patent 5,785,021 entitled HYDRAULICALLY ACTUATED ELECTRONIC FUEL INJECTION SYSTEM that issued July 28, 1998, and in the reissue application thereof the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe that my original patent is partly inoperative or invalid for the reason that I claimed less than I had a right to claim in the patent.

Specifically, the patent was based upon Application No. PCT/AU95/00073. That PCT Application, as originally filed with the U.S. Patent and Trademark Office included 14 claims. However, Claim 14, a method claim, appears to have never been considered by the patent office. Furthermore, on November 12, 1996 a Supplemental Preliminary Amendment was filed that added new Claims 19-21. Those claims were subsequently allowed and renumber Claims 16-18 but were not printed as part of the patent. The amended Claim 14 and unpublished Claims 16-18 have been added to the present application as Claims 16-19.

Claim 3 has been amended to delete the multiple dependencies that should have been originally removed as a result of the Supplemental Preliminary Amendment filed November 12, 1996. Initially, Claims 5 and 11 have been amended to more clearly disclose and claim the invention.

I further declare that the aforementioned error occurred without any deceptive intention on my part and that all statements made herein of my own knowledge are true and that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment or both under Section 1001 under Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Therefore, I pray that I be allowed and I hereby offer to surrender the original United States Letters Patent No. 5,785,021 for HYDRAULICALLY ACTUATED ELECTRONIC FUEL INJECTION SYSTEM and that the Letters Patent may be reissued to claim and protect all that I was entitled to claim.

(Reissue Application Declaration and Power of Attorney [17-6] _____ Added page _____)